

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CARBONE'S FINE FOODS AND WINES
LLC,

Plaintiff,

v.

CARBONE RESTAURANT LLC,
CARBONE FINE FOOD LLC, THE MAJOR
FOOD GROUP LLC, and MAJOR
INTELLECTUAL LLC,

Defendants.

CASE NO. 3:22-CV-01184-E

**DEFENDANTS' EMERGENCY MOTION FOR EXPEDITED BRIEFING AND
CONSIDERATION OF THE MOTION TO EXTEND DEADLINES AND FOR
EXPEDITED DISCOVERY**

Simultaneous with this motion, Defendants have filed a Motion to Extend Deadlines and for Expedited Discovery (the “Motion”) (ECF No. 17). By that Motion, which is incorporated by reference, Defendants are requesting, *inter alia*, that the Court order Plaintiff to produce documents to three narrowly tailored requests by August 12, 2022. *See* ECF No. 17 at 5. As more fully explained in the Motion, Defendants need this expedited discovery to adequately prepare a response to Plaintiff’s Motion for Preliminary Injunction (the “Motion for PI”) (ECF No. 11), which seeks the extraordinary relief of asking the Court to order Defendants to change the entirety of their business and stop selling its products altogether in Texas.

Given the relief requested in Plaintiff’s Motion for PI and the need for expedited discovery, Defendants respectfully request that the Court order expedited briefing on Defendants’ Motion so that it may be promptly considered and decided. Without expedited briefing, because Local Rule 7.1 typically provides twenty-one days for a response to an opposed motion, the relief Defendants have requested in the Motion will be moot. Defendants propose the following expedited briefing schedule on the Motion:

- Plaintiff’s response to the Motion due August 2, 2022
- Defendants’ reply to the Motion due August 4, 2022

This briefing schedule will provide the Court sufficient time to consider and rule on the Motion before the deadlines requested by Defendants. If the Court determines that a hearing is necessary, Defendants can appear on July 28, 29, or August 1, 2022.

Dated: July 28, 2022

Respectfully submitted,

/s/ Jeremy Fielding

Jeremy Fielding
Texas Bar No. 17233700
Jonathan David Kelley
Texas Bar No. 24090202
Ruben Alan Garcia
Texas Bar No. 24101787
KIRKLAND & ELLIS LLP
4550 Travis Street
Dallas, Texas 75205
Telephone: (214) 972-1770
Facsimile: (214) 972-1771
jeremy.fielding@kirkland.com
jon.kelley@kirkland.com
ruben.a.garcia@kirkland.com

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served on July 28, 2022 with a copy of this document via the Court's CM/ECF system.

/s/ Jeremy Fielding

Jeremy Fielding

CERTIFICATE OF CONFERENCE

I hereby certify that on July 28, 2022, I conferred with Plaintiff's counsel regarding the relief requested in this Motion. Plaintiff is opposed to the relief requested and the parties have reached an impasse on the issues discussed herein.

/s/ Jeremy Fielding

Jeremy Fielding